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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Kenya

1. The Committee considered the initial report of Kenya (CRC/C/3/Add.62), received on 13 January 2000, at its 725th and 726th meetings (see CRC/C/SR.725-726), held on 26 September 2001 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the State party which followed the established guidelines. The Committee welcomes the written replies to its list of issues (CRC/C/Q KEN/1), which allowed for a clearer understanding of the situation of children in the State party. The Committee is encouraged by the constructive dialogue it had with the State party and the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the rights of children in the State party.

B. Positive aspects

3. The Committee notes with appreciation that the State party has put in place a Poverty Eradication Plan and has developed a Poverty Reduction Strategy for the period 2000-2003 to address increasing poverty, focusing primarily on basic social services.

* At the 749th meeting, held on 12 October 2001.

4. The Committee notes the efforts of the State party to facilitate the participation of NGOs in the promotion and implementation of programmes for children, including the National Programme of Action for Children established in 1992. In this regard, the Committee welcomes the collaborative process undertaken in the preparation of the State party report, involving approximately 1,500 stakeholders, including NGOs and children themselves.

5. The Committee welcomes the establishment in 2000 of the Family Division of the High Court to provide greater protection for children in custody, adoption and divorce matters.

6. The Committee welcomes the setting up of a crisis desk and a hotline service to receive reports from child victims of abuse, including sexual abuse. In this regard, the Committee also welcomes the establishment, in cooperation with civil society, of a peace house for abused children.

7. The Committee welcomes the National AIDS Control Council and the National Agency for the Campaign against Drug Abuse.

8. The Committee notes that budgetary allocations for social services have improved over the past three years despite the challenges faced by the country.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee acknowledges that the economic and social difficulties - inter alia the ethnic clashes in 1997 - facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular it notes the impact of high external debt payments, pressures exerted by structural adjustment, increasing levels of unemployment, the deteriorating economic conditions and rampant corruption, especially on children belonging to the most vulnerable groups. The existence of more than 40 different ethnic groups seems also to be a major difficulty in the implementation of the Convention and in enacting adequate domestic legislation, particularly because they have their own customary laws.

D. Subjects of concern and committee recommendations

1. General measures of implementation

Legislation

10. The Committee notes that the State party has undertaken a review of the Constitution and of the legislation. In 1994, the Kenya Law Review Commission recommended improvements to give effect to the provisions of the Convention. The Committee further notes that the State party subsequently drafted the Children Bill, the Domestic Violence (family protection) Bill, the Industrial Properties Bill, the Refugee Bill, the Criminal Law Amendment Bill and the Bill on People with Disabilities. The Committee is concerned, however, that these bills are still undergoing review and must be discussed by Parliament before being enacted. The Committee expresses concern about the insufficient information on the status of the different systems of family law and their compatibility with the Convention on the Rights of the Child.

11. **The Committee recommends that the State party reinforce its efforts to ensure that domestic law, including constitutional provisions, fully conforms with the provisions and principles of the Convention on the Rights of the Child, and eliminate any incompatibility in the different systems of family law. The Committee encourages the State party to expedite the enactment of the pending legislation that has a direct impact on the rights of children and to ensure that any new legislation includes the principles of the Convention, as well as a rights based approach. It also encourages the State party to implement that legislation in the most effective way and to make available the necessary human and financial resources. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights (OHCHR) and UNICEF.**

Coordination

12. The Committee notes with concern that the State party has not established a mechanism to coordinate the implementation of the Convention. While the Committee notes that the Children's Department is the agency responsible for the rehabilitation, protection and care of children, it is concerned about the inadequate resources (financial and human) allocated for the effective functioning of that Department.

13. **The Committee recommends that the State party set up an effective mechanism of coordination for the implementation of the Convention and take all measures to strengthen the resources (financial and human) allocated to the Children's Department to facilitate effective coordination and implementation of the Convention at the national and local levels.**

Data collection

14. The Committee notes the State party's Population and Housing Census conducted in 1999. It is concerned, however, that insufficient efforts have been made to ensure the systematic collection of disaggregated data on all aspects of the Convention and the use of such data in monitoring and evaluating legislation, policies and programmes adopted with respect to children.

15. **The Committee recommends that the State party strengthen its efforts to collect systematically data disaggregated by gender, age, minority groups and rural and urban areas, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with specific emphasis on those who are vulnerable, in particular children with disabilities and refugee children. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. In this context, the Committee recommends that the State party seek technical assistance from, inter alia, the United Nations Population Fund (UNFPA), UNDP and UNICEF.**

Monitoring mechanisms

16. The Committee notes that the State party established a Standing Committee on Human Rights (SCHR) in 1996 to investigate alleged human rights violations, to advise the Government on all human rights matters and to increase public awareness about the issue. The Committee is concerned that insufficient resources (financial and human) have been allocated for the effective functioning of the SCHR. The Committee notes with concern that the SCHR has no specific responsibilities with regard to children and that the SCHR is not easily accessible to children.

17. **The Committee encourages the State party to allocate adequate financial and human resources to the Standing Committee on Human Rights (SCHR) to ensure its effective functioning. The Committee further suggests that the State party should consider reviewing the status of the Committee and establishing an independent national human rights institution in accordance with the Paris Principles (General Assembly resolution 48/134) which would be competent to monitor and evaluate progress in the implementation of the Convention at the national level and, if appropriate, at the local level and to receive and investigate complaints of violations of child rights in a child-friendly manner, and to address them effectively. Meanwhile, the State party should take effective measures to ensure that the SCHR is easily accessible and child-sensitive in dealing with complaints of violations of the rights of children and in providing remedies for such violations in all regions of the country. The Committee further suggests that the State party initiate an awareness raising campaign about the SCHR and to facilitate its effective use by children. The Committee encourages the establishment of a focal point on children within the SCHR to monitor child rights. Finally, the Committee suggests that the State party consult further with OHCHR and seek technical assistance from UNICEF, among others.**

Resources for children

18. The Committee is aware of the economic and social challenges facing the State party, including high and increasing poverty levels, as well as high debt payments. It remains concerned, however, that in the light of article 4 of the Convention, not enough attention has been paid to allocating budgetary resources, at both the national and local levels, in the best interests of children "to the maximum extent of ... available resources".

19. **In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, especially children from economically and geographically disadvantaged groups, to the maximum extent of available resources at both the national and local levels, where necessary within the framework of international cooperation.**

Dissemination of the Convention

20. The Committee notes with appreciation the initiatives of the State party to promote awareness of the principles and provisions of the Convention, including through traditional

means of communication. The Committee also notes with satisfaction that the Convention has been translated into Kiswahili and over 20,000 copies distributed. However, the Committee is concerned that professional groups, children, parents and the general public are still not sufficiently aware of the Convention and the rights-based approach enshrined therein.

21. **The Committee recommends that the State party strengthen its efforts to ensure that the principles and provisions of the Convention are widely known and understood by adults and children alike. In this regard, the Committee recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers, personnel of childcare institutions, and traditional or community leaders. The Committee also recommends that the State party incorporate human rights, especially the Convention on the Rights of the Child in the school curricula at all levels. The Committee suggests that the State party seek technical assistance from, inter alia, OHCHR, UNESCO and UNICEF.**

2. Definition of the child

22. The Committee is concerned about the various legal minimum ages which are inconsistent, discriminatory and/or too low. In particular, the minimum age of eight years for criminal responsibility is too low.

23. **The Committee recommends the State party take the necessary legislative measures:**

(a) To increase the legal age for criminal responsibility and for sexual consent;

(b) To correct the disparity between the legal minimum ages for marriage of boys and girls, preferably by increasing the legal minimum age for marriage of girls under the Marriage Act (Laws of Kenya, chap. 150) and the Hindu Marriage and Divorce Act (Laws of Kenya, chap. 157);

(c) To establish clear minimum ages for marriage under Islamic and customary laws, employment, especially with respect to apprenticeship programmes, and compulsory education.

3. General principles

Non-discrimination

24. The Committee notes that the State party established a task force in 1993 to undertake a review of the law to ensure non-discrimination against women and initiate statutory reforms with regard to gender discrimination. The Committee is concerned, however, that the principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, especially girls, children born out of wedlock, children with disabilities, children of economically disadvantaged families, children in conflict with the law, children living in institutions, street children, child victims of abuse, refugee and asylum-seeking children, children

belonging to ethnic minorities, and those living in rural areas. Finally, the Committee is concerned that the constitutional guarantee of equal treatment does not cover various tribal, traditional customs and practices associated with, for example, fostering, marriage and divorce that constitute a major challenge for the full realization of children rights in the State party.

25. **The Committee recommends that the State party take effective measures to implement laws, policies and programmes to guarantee the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups of children and traditional tribal customs, practices and rituals.**

26. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of General Comment No. 1 on article 29.1 of the Convention (the aims of education).**

Right to life, survival and development

27. The Committee notes that the State party has established various programmes under the National Programme of Action for Children to ensure the survival and development of children. However, it is concerned that the Programme has not been sufficiently implemented and that the impact of HIV/AIDS, mounting economic challenges and other socio-economic difficulties continue to threaten the right to life, survival and development of children in the State party, especially those living in rural areas and increasingly those living in crowded urban centres.

28. **The Committee encourages the State party to reinforce its efforts to provide greater protection and support to children whose right to life, survival and development is unduly threatened by the difficult socio-economic realities of the State party. In this connection, the Committee recommends that the State party take all effective measures to strengthen its technical cooperation with, inter alia, UNICEF, UNAIDS, UNDP and WHO.**

Respect for the views of the child

29. The Committee notes with concern that, inter alia, traditional practices and attitudes still limit the full implementation of article 12 of the Convention.

30. **The Committee recommends that the State party develop a systematic approach to increasing public awareness of the participatory rights of children, particularly at the local level and in traditional communities, and encourage respect for the views of the child in the family, in schools and care institutions, and in the judicial system. The Committee further recommends that the State party introduce child-sensitive hearings for placement decisions and in courts and take into account the views of the child, according to their maturity and age.**

4. Civil rights and freedoms

Birth registration

31. The Committee notes that the law provides for the registration of children at birth and that the State party has initiated campaigns to raise awareness about the importance of birth registration. However, it is concerned that many children are not registered, particularly those born at home and those living in rural communities.

32. **In the light of articles 7 and 8 of the Convention, the Committee recommends that the State party strengthen its efforts to raise awareness among government officers, midwives, community and religious leaders, and parents themselves, to ensure that all children are duly registered at birth. The Committee also recommends that the State party make the birth registration procedure less costly and more accessible.**

Corporal punishment

33. While the Committee notes that corporal punishment has been formally banned in schools (April 2001) as a matter of policy, it is deeply concerned that this form of punishment continues to be practised in schools, as well as in the juvenile justice system, in the family and in care institutions, with resulting cases of permanent injury and even death.

34. **The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment, in the juvenile justice system, in schools and care institutions, and in the family. The Committee also recommends that the State party monitor the ban on corporal punishment in schools. The Committee encourages the State party to reinforce its public awareness campaigns to promote positive, participatory, non-violent forms of discipline as an alternative to corporal punishment at all levels of society.**

Torture and inhuman or degrading treatment or punishment

35. The Committee is concerned about the incidence of police brutality, particularly against street children, refugee children and those in conflict with the law. Concern is also expressed at the inadequate enforcement of existing legislation to ensure that all children are treated with respect for their physical and mental integrity and their inherent dignity.

36. **The Committee strongly recommends that all appropriate measures be taken to implement fully the provisions of articles 37 (a) and 39 of the Convention. In this regard, the Committee recommends that greater efforts be made to prevent all forms of torture and inhuman or degrading treatment by the police and facilitate the recovery of child victims through, inter alia, rehabilitation and reintegration. Additionally, it is recommended that the State party effectively investigate these cases and ensure that perpetrators of such brutality against children are brought to justice.**

5. Family environment and alternative care

Protection of children deprived of a family environment

37. The Committee expresses concern at the increasing number of children deprived of a family environment and at the absence of a distinction between children in need of special protection and child offenders in legal proceedings. Concern is also expressed at the inadequate facilities and services for children in need of special protection, as well as at the State practice of placing such children in juvenile remand facilities or police stations, which are considered places of safety. The Committee also notes with concern the absence of an independent complaint mechanism for children in alternative care institutions, the inadequate review of their placement in institutions and the lack of trained personnel in this field. Concern is also expressed at the insufficient financial and human resources allocated for alternative care.

38. **The Committee recommends that the State party take effective measures to improve alternative care, including through the allocation of adequate financial and human resources. It further recommends that the State party provide additional training, including in children rights, for social and welfare workers, ensure the periodic review of placements in institutions and establish an independent complaints mechanism for children in alternative care institutions. Additionally, the Committee recommends that the State party take effective measures to ensure that children in need of care are not kept in juvenile remand facilities or police stations and encourages the efforts to make procedural and substantive distinction between children in need of special protection and child offenders.**

Adoptions and foster care

39. While noting that the Adoption Act (Laws of Kenya, chap. 143) provides for the regulation of adoption (domestic and intercountry), the Committee expresses concern that informal adoptions are more widely accepted and practised within the State party. While the Committee notes that "informal foster care" takes place within the extended family system, it is concerned that the State party has not established an effective foster care programme.

40. **In light of article 21 of the Convention, the Committee recommends that the State party strengthen administrative procedures for formal domestic adoptions to prevent abuse of the practice of private and informal adoption and guarantee the protection of the rights of children. In the light of the increasing number of children deprived of a family environment, the Committee encourages the State party to promote and encourage formal adoptions and to establish an effective foster care programme. Additionally, the Committee encourages the State party to accede to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.**

Abuse/neglect/abandonment/maltreatment/violence

41. The Committee is concerned about the high and increasing incidence of physical and sexual abuse of children, including in schools and care institutions. Concern is also expressed

about the lack of awareness and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children and the insufficient financial and human resources allocated for programmes to combat abuse of children.

42. **In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse (including sexual abuse within the family) in order to adopt adequate policies and contribute to changing attitudes. The Committee encourages the State party to consider introducing an effective reporting system for child abuse cases, including sexual abuse of children. It also recommends that cases of domestic violence, ill-treatment and abuse of children be properly investigated in a child-sensitive judicial procedure and sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. In accordance with article 39 of the Convention, measures should be taken to ensure the rehabilitation of victims and of perpetrators. Efforts should also be made to prevent the criminalization and stigmatization of children who are victims of abuse. The Committee recommends that the State party seek technical assistance from, inter alia, UNICEF, WHO and UNDP.**

6. Basic health and welfare

Right to health and access to health services

43. The Committee notes the efforts of the State party to improve health care for children through, inter alia, the Health Policy Framework, the Expanded Programme on Immunization, and the National Plan of Action for Nutrition. However, the Committee is concerned about the insufficient numbers of trained medical personnel; the high maternal, infant, and under-five mortality rates; the high rate of malnutrition; the increasing incidence of HIV/AIDS; the high incidence of malaria and acute respiratory infections; and poor sanitation and limited access to safe drinking water, especially in rural areas. It is also noted with concern that the State party's cost-sharing policy has limited access to basic health care, especially for poor families.

44. **The Committee recommends that the State party allocate appropriate resources to reinforce its policies and programmes to reduce the high rate of malnutrition and improve health care for children. Additionally, the State party should take all effective measures to increase the numbers of trained medical and other health personnel, including traditional healers; facilitate cooperation between trained medical personnel and traditional healers, especially midwives; reduce the incidence of maternal, infant and under-five mortality; prevent and combat malnutrition; increase access to safe drinking water; improve sanitation; and reduce the incidence of malaria and acute respiratory infections. Additionally, the State party should take effective measures to facilitate greater access to health services by, inter alia, abolishing or rationalizing cost sharing in primary health care to reduce the burden on poor families. The Committee encourages the State party to seek technical cooperation for the Integrated Management of Childhood Illnesses and for other measures for child health improvement from, inter alia, WHO and UNICEF.**

Adolescent health

45. The Committee expresses its concern with respect to the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including early marriage and pregnancy, HIV/AIDS and sexually transmitted diseases (STDs), abortion, violence, suicide, mental health, and alcohol and substance abuse. The Committee is also concerned at the increasing number of orphans due to HIV/AIDS and at the decrease in expenditure for HIV/AIDS control.

46. **The Committee recommends that the State party strengthen adolescent health policies, including reproductive health education. Further, the Committee suggests that a comprehensive and multidisciplinary study be undertaken to assess the extent of adolescent health problems, including the special situation of children infected and/or affected by HIV/AIDS and STDs. Additionally, it is recommended that the State party allocate adequate human and financial resources to increase the number of social workers and psychologists and to develop youth-sensitive care, counselling and rehabilitation facilities for adolescents. It is further recommended that the State party seek technical assistance from, inter alia, UNICEF and WHO.**

Female genital mutilation

47. The Committee is deeply concerned that female genital mutilation is not prohibited by law and is still widely practised in the State party. Concern is also expressed about the persistent practice of other harmful traditional practices, including early and forced marriages.

48. **The Committee recommends that the State party take legislative and awareness-raising measures to prohibit and eradicate the practice of female genital mutilation and other traditional practices harmful to the health, survival and development of children, boys as well as girls. The Committee urges the State party to introduce sensitization programmes for practitioners and the general public to change traditional attitudes and discourage harmful practices.**

Children with disabilities

49. The Committee welcomes the establishment of a National Fund for the Disabled but is concerned about the inadequate legal protection and the insufficient policies, facilities and services for children with disabilities. Concern is also expressed at the limited number of teachers trained to work with children with disabilities, as well as at the insufficient efforts made to facilitate the inclusion of such children in the educational system and generally in society. The Committee also notes with concern the inadequate resources allocated to special education programmes for children with disabilities.

50. **In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (CRC/C/69, para. 338), it is recommended that the State party:**

(a) Take effective measures to collect adequate statistical data on children with disabilities and to ensure the use of such data for the prevention of disabilities, and in the development of policies and programmes for these children;

(b) Reinforce its efforts to develop early detection programmes to prevent disabilities;

(c) Implement alternatives to the institutionalization of children with disabilities;

(d) Establish special education programmes for them and where feasible, include them in the regular school system;

(e) Undertake awareness raising campaigns to sensitize the public about the rights and special needs of children with disabilities and children with mental health concerns;

(f) Increase the resources (financial and human) allocated to special education and enhance the support given to the families of children with disabilities;

(g) Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities, from, inter alia, WHO.

Right to an adequate standard of living

51. The Committee is concerned about widespread poverty and the increasingly high numbers of children in the State party who do not enjoy the right to an adequate standard of living, including children belonging to poor families, AIDS orphans, street children, internally displaced children, children of ethnic minorities and children living in remote rural communities.

52. **In accordance with article 27 of the Convention, the Committee recommends that the State party reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party pay particular attention to the rights and needs of children in the implementation of the Poverty Eradication Plan, the Poverty Reduction Strategy and all other programmes intended to improve the standard of living in the country. In this regard, the Committee encourages the State party to coordinate its efforts with civil society and local communities.**

7. Education, leisure and cultural activities

Right to and aims of education

53. While the Committee notes that the Education Act is currently under review, it is concerned that the law does not fully guarantee the right to education. The Committee expresses concern about the non-increase (in percentage) of the budget for education and about the introduction of cost-sharing in education which further limits access to education, especially for

girls, children from economically disadvantaged families and those living in remote rural communities. Concern is also expressed regarding low enrolment and high drop-out and repetition rates; insufficient numbers of trained teachers; insufficient schools and classrooms; and the lack of relevant learning material. In the light of article 29.1 of the Convention, the Committee is also concerned about the quality of education in the State party. The Committee notes with regret the reported incidents of sexual abuse and exploitation of children in the school environment.

54. **The Committee urges the State party to take legal and other measures to guarantee the right to education for all children in its territory, in particular free and compulsory primary education. The Committee recommends that the State party take effective measures, including the allocation and distribution of adequate financial, human and technical resources, to enhance the quality of education, to decrease the repetition and drop-out rates, and to ensure that all children enjoy the right to education. It is further recommended that the State party reinforce its efforts to increase access to education by, inter alia, abolishing cost-sharing in primary education and rationalizing it in secondary and tertiary education. The State party should pay particular attention to the quality of education, in the light of article 29.1 and the Committee's General Comment on the aims of education. The Committee strongly encourages the State party to take effective measures to protect children, especially girls, against sexual abuse and violence in the school environment and to facilitate care and the rehabilitation of child victims in this regard. It is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.**

8. Special protection measures

Refugee, asylum-seeking, unaccompanied and internally displaced children

55. The Committee recognizes the efforts of the State party, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), to accommodate refugees, including unaccompanied minors. However, the Committee remains concerned about the inadequate standards, procedures and policies to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children, including their access to adequate education, health and other social services. Concern is also expressed regarding the prevalence of sexual abuse and violence against girls in and around refugee camps. The Committee notes the establishment of the Presidential Commission on Ethnic Clashes (1998) to investigate the causes of ethnic clashes in various regions of the State party in 1992, 1997, and 1998, as well as the actions taken by officials, including the police, during the clashes. However, the Committee is concerned that insufficient efforts have been made to ensure the resettlement of families who were displaced during these clashes and continue to live in camps. Finally, the Committee is concerned at the decrease in the funds provided by UNHCR, which has a negative impact on the rights of child refugees, such as the right to food.

56. **The Committee recommends that the State party take effective legal and other measures to ensure adequate protection of refugee, asylum-seeking and unaccompanied children, especially girls, and to implement further policies and programmes to guarantee their adequate access to health, education and social services. The Committee further**

recommends that the State party review its standards and procedures in the asylum process to ensure consistency with international standards and to introduce special procedures for refugee children, especially those separated from their families. The Committee urges the State party to reinforce its resettlement programme to provide lasting relief for internally displaced families and guarantee their rights to adequate housing, education, health and social services. The Committee encourages the State party to undertake efforts to reinforce its cooperation with UNHCR.

Street children

57. The Committee expresses grave concern at the high and increasing numbers of street children. In particular, the Committee notes their limited access to health, education and other social services, as well as their vulnerability to police brutality, sexual abuse and exploitation, economic exploitation and other forms of exploitation

58. **The Committee recommends that the State party:**

(a) Take all effective measures to ensure that street children are provided with a suitable programme of assistance, with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;

(b) Ensure that these children are provided with: preventive and rehabilitative services with respect to physical, sexual and substance abuse; protection from police brutality; services for reconciliation with their families; and education on their rights;

(c) Consider establishing a comprehensive strategy to address the high and increasing numbers of street children, with the aim of preventing and reducing this phenomenon.

Economic exploitation

59. The Committee notes with appreciation that the State party has signed a memorandum of understanding with ILO and that various ILO International Programme on the Elimination of Child Labour (IPEC) programmes to prevent and combat child labour are being carried out. The Committee also welcomes the establishment of a National Steering Committee on child labour. Nevertheless, and in the light of the current economic situation, the increasing number of school drop-outs and the increasing number of street children, the Committee is concerned about the large number of children engaged in labour and the lack of information and adequate data on the situation of child labour and economic exploitation in the State party. The Committee notes also with concern that notwithstanding various legal provisions there is no firm minimum age for admission to employment and that child labour is still prevalent in the State party.

60. **The Committee encourages the State party to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sectors. It is further recommended that the State party undertake a comprehensive study to assess the situation of child labour. The Committee**

urges the State party to establish a clear legal minimum age for employment, in particular for those working in the agricultural sector. The Committee encourages the State party to further develop and strengthen the collaboration with ILO/IPEC.

Sexual exploitation and sexual abuse

61. The Committee notes that the State party participated in the World Congress against Commercial Sexual Exploitation, held in Stockholm in 1996, and subsequently established a National Plan of Action to prevent and combat the commercial sexual exploitation of children. However, the Committee is concerned about the large and increasing number of child victims of commercial sexual exploitation, including prostitution and pornography, especially among those engaged in domestic labour and street children. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of children who are the victims of such abuse and exploitation.

62. **In the light of article 34 and related articles of the Convention, the Committee recommends that the State party undertake studies with a view to assessing the scope of commercial sexual exploitation of children, including prostitution, child sex tourism and child pornography, and implementing appropriate preventive and rehabilitative policies and programmes for child victims. The Committee recommends that the State party reinforce its efforts in implementing the National Plan of Action formulated in accordance with the Declaration and the Agenda for Action adopted by the World Congress against Commercial Sexual Exploitation of Children at Stockholm in 1996.**

Administration of juvenile justice

63. The Committee notes with concern that the juvenile justice system does not cover the entire country and that there is only one juvenile court in the State party. While acknowledging the State party's efforts to implement a Diversion Programme for children in conflict with the law, the Committee also expresses its concern about the quality of the juvenile justice system generally.

64. **The Committee recommends that the State party:**

(a) Take all appropriate measures, including the enactment of the Children Bill, to implement a juvenile justice system in conformity with the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System;

(b) Use deprivation of liberty (institutionalization) only as a measure of last resort and for the shortest possible time and, in that regard, implement the Diversion Programme fully and with the widest scope possible, as an alternative to deprivation of liberty;

(c) Ensure that children remain in contact with their families while in the juvenile justice system;

(d) Introduce training programmes on relevant international standards for all professionals involved in the administration of juvenile justice;

(e) Abolish the use of corporal punishment in the juvenile justice system;

(f) Improve the conditions in detention facilities;

(g) Strengthen reparation, rehabilitation and reintegration programmes;

(h) Ensure that cases involving children in need of care and protection are not treated as criminal cases; and

(i) Consider seeking technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Co-ordination Panel on Technical Advice in Juvenile Justice.

9. Optional Protocols to the Convention on the Rights of the Child and amendment to article 43.2 of the Convention

65. The Committee notes that the State party has not ratified the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, nor has it formally accepted the amendment to article 43.2 of the Convention to allow for the expansion of the Committee from 10 to 18 members.

66. **The Committee encourages the State party to ratify the two Optional Protocols to the Convention on the Rights of the Child, and to accept the amendment to article 43.2 of the Convention.**

10. Dissemination of documents from the reporting process

67. **Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.**